IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition No. 191 of 1991.

Ramchandra Bhausaheb Khade. .. Petitioner.

Versus.

Nilkanth Shivling Bhende and Anr. ...Respondents.

Non appears for the petitioner.

CORAM:A.M.KHANWILKAR,J.
DATED:18.03.2006

P.C.:-

. None appears for the petitioner.

. Dismissed for non-prosecution.

[A.M.KHANWILKAR. J]

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Mr. Siddharth Karpe i/b A.Y. Sakhare,

Sr.Advocate,for the petitioner.

Mr. A.R. Patil, A.G.P. for respondent no.2.

CORAM:A.M.KHANWILKAR,J.

DATED:18.03.2006

P.C.:-

. This matter was dismissed for non prosecution in the morning session as none appeared when it was called out. Soon thereafter Advocate for the petitioner mentioned the matter pointing

out that he was busy in some other court.For the reason stated indulgence is shown, petition restored to file; to be heard immediately after lunch session.

2. The matter was called out after lunch session.

3. Heard the learned counsel for the petitioner.

4. The grievance made in this petition is that inspite of the stay granted by this Court on 8.3.1991, the respondent proceeded with the execution of the decree passed against the petitioner and which was infact executed on 15.3.1991. This grievance clearly overlooks that there is nothing on record to suggest that the petitioner had informed the respondent or the executing court that stay was granted by this Court on 8th March, 1991. On the other hand, from the averments made in the petition, it is obvious that Regular Darkhast was filed by the respondent on 18th February, 1991, much before the order of stay passed by this Court.It is obvious from the record that interim order passed by this Court on 8.3.1991 was ex-parte order. Whereas Order of possession

warrant was passed in the said Darkhast Application in due course and which came to be executed on 15th March, 1991.

5. There is not even slightest allegation that order of stay passed on 8th March, 1991 was communicated to the respondent or the executing court and inspite of which respondent persued the matter. No case of wilful disobedience of the order of this Court is made out. Hence dismissed.

6. Notices issued to the respondents stand discharged.

A.M. KHANWILKAR.J.